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Bonta, in his official capacity as Attorney General of  
California*

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

**ARNOLD ABRERA,**

Plaintiff,

v.

**GAVIN NEWSOM, in his official capacity  
as Governor of the State of California, et al.,**

Defendants.

Case No.: 2:22-cv-01162-JAM-DB

**STATE DEFENDANTS' NOTICE OF  
MOTION AND MOTION TO DISMISS  
PLAINTIFF'S FIRST AMENDED  
COMPLAINT**

Date: January 9, 2024  
Time: 1:30 p.m.  
Courtroom: 6  
Judge: The Honorable John A.  
Mendez  
Trial Date: None Set  
Action Filed: July 5, 2022

PLEASE TAKE NOTICE THAT, on January 9, 2024, at 1:30 p.m., or as soon thereafter as the matter may be heard before the Honorable John A. Mendez in Courtroom 6 of the United States District Court for the Eastern District of California, located at 501 I Street, Sacramento, California, 95814, Defendants Gavin Newsom, in his official capacity as Governor of California, and Rob Bonta, in his official capacity as Attorney General of California (collectively the State Defendants), will and hereby do move this Court for an order dismissing the First Amended

1 Complaint, and all claims for relief or causes of action asserted in that First Amended Complaint  
2 against the State Defendants, under Federal Rules of Civil Procedure 8, 12(b)(1), and 12(b)(6).

3 Under the Court's Order re Filing Requirements (ECF No. 11-2), the parties met and  
4 conferred on or about September 19, 2022 regarding the contents of and allegations in the First  
5 Amended Complaint (and its prior iteration) and any potential resolution, but could not reach a  
6 resolution.

7 This motion is based on this Notice, the accompanying Memorandum of Points and  
8 Authorities, the papers and pleadings on file in this action, and such other matters as may be  
9 presented to the Court at the time of the hearing.

10 Dated: November 14, 2023

Respectfully submitted,

11 ROB BONTA  
12 Attorney General of California  
13 ANYA M. BINSACCA  
Supervising Deputy Attorney General

14  
15 /s/ Jay C. Russell  
16 JAY C. RUSSELL  
17 Deputy Attorney General  
Attorneys for Defendants Gavin Newsom, in  
his official capacity as Governor of  
California, and Rob Bonta, in his official  
capacity as Attorney General of California

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## CERTIFICATE OF SERVICE

Case Name: *Abrera, Arnold v. Gavin  
Newsom, et al.*

Case No. 2:22-cv-01162-JAM-DB

I hereby certify that on November 14, 2023, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

- 1. STATE DEFENDANTS' NOTICE OF MOTION AND MOTION TO DISMISS PLAINTIFF'S FIRST AMENDED COMPLAINT**
- 2. MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF STATE DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S FIRST AMENDED COMPLAINT**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on November 14, 2023, at San Francisco, California.

M. Mendiola  
Declarant

*M. Mendiola*  
Signature